

Introduced by Senator Haynes

December 9, 1996

An act to add Section 43000.7 to, and to repeal and add Chapter 5 (commencing with Section 44000) of Part 5 of Division 26 of, the Health and Safety Code, and to repeal Section 9250.18 of the Vehicle Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 61, as introduced, Haynes. Vehicle inspection and maintenance.

(1) Existing law, the vehicle inspection and maintenance (smog check) program, was extensively revised in 1994 to, among other things, include testing at test-only stations, require additional tests at smog check stations, and revise repair cost limits and provisions relative to the use of remote sensing to identify gross polluters.

This bill would delete the changes made commencing in 1994, restore former provisions of the vehicle inspection and maintenance law, and make related changes. Since the bill would revise provisions imposing misdemeanor penalties for violations, the bill would create a state-mandated local program by changing the definitions of crimes.

The bill would also provide that no vehicle shall be subject to any emission standard that varies from the standards applicable to the vehicle at the time that the vehicle was manufactured, or to any standard for tailpipe emissions that is stricter than the standards applicable pursuant to federal law. The bill would generally prohibit any regulation to be adopted or revised by the State Air Resources Board

pertaining to motor vehicle emissions until it has been submitted to the Legislature and the Legislature has enacted a statute authorizing the adoption of the regulation. The bill would provide that program established for pursuant to the vehicle inspection and maintenance programs shall provide for mandatory roadside inspections or the confiscation of any vehicle. The bill would also state the intent of the Legislature that no further revisions be made to the program until valid scientific tests have been done to verify their effectiveness in reducing pollution while lacking toxic effects or causing harm to vehicle components.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 43000.7 is added to the Health
2 and Safety Code, to read:

3 43000.7. (a) Notwithstanding any other provision of
4 this division, no vehicle shall be subject to any emission
5 standard that varies from the standards applicable to the
6 vehicle at the time that the vehicle was manufactured, or
7 to any standard for tailpipe emissions that is stricter than
8 the standards applicable pursuant to federal law.

9 (b) No regulation adopted or revised by the state
10 board pertaining to motor vehicle emissions, except any
11 regulation adopted or revised for the purpose of
12 implementing subdivision (a), shall be operative until it
13 has been submitted to the Legislature and the Legislature
14 has enacted a statute authorizing the adoption of the
15 regulation.

16 SEC. 2. Chapter 5 (commencing with Section 44000)
17 of Part 5 of Division 26 of the Health and Safety Code is
18 repealed.

1 SEC. 3. Chapter 5 (commencing with Section 44000)
2 is added to Part 5 of Division 26 of the Health and Safety
3 Code, to read:

4
5 CHAPTER 5. MOTOR VEHICLE INSPECTION PROGRAM

6
7 Article 1. General

8
9 44000. (a) The Legislature finds and declares as
10 follows:

11 (1) Motor vehicle inspection and maintenance
12 programs can significantly reduce vehicle emissions and
13 thereby contribute to the attainment and maintenance of
14 ambient air quality standards.

15 (2) The effectiveness of those programs depends on
16 effective monitoring and enforcement of program
17 requirements.

18 (3) The complexity of vehicle emission control
19 systems has increased to the extent that it is necessary for
20 the qualifications of inspectors and the capabilities of test
21 equipment to be improved.

22 (4) Organizational changes to achieve more effective
23 coordination between the new motor vehicle emission
24 control program and the motor vehicle inspection and
25 maintenance program will enhance the effectiveness of
26 both programs.

27 (5) Emission reductions due to motor vehicle
28 inspection and maintenance programs can be
29 substantially increased through the implementation of
30 more effective inspection and repair requirements.

31 (6) Air pollution problems in many areas of the state
32 are of such severity and persistence that all reasonable
33 motor vehicle air pollution control measures will be
34 required for the indefinite future.

35 (7) While vehicular air pollution control systems can
36 be disrupted through normal wear and tear and
37 inadvertence, tampering with those systems is extensive
38 and is responsible for a relatively small number of on-road
39 vehicles producing a disproportionate amount of air
40 pollution. As a result, on-road enforcement efforts are

1 needed to detect gross polluting vehicles caused by
2 tampering as a supplement to existing motor vehicle
3 inspection and maintenance programs.

4 (b) It is, therefore, the intent of the Legislature in
5 adopting amendments to this chapter to establish a more
6 effective motor vehicle inspection and maintenance
7 program as a continuing element of the state's vehicular
8 air pollution control program.

9 (c) It is also the intent of the Legislature that no
10 further revisions be made to the program until valid
11 scientific tests have been done to verify their
12 effectiveness in reducing pollution while lacking toxic
13 effects or causing harm to vehicle components.

14 44001. This chapter shall remain in effect only until
15 January 1, 2005, and as of that date is repealed, unless a
16 later enacted statute, which is enacted before January 1,
17 2005, deletes or extends that date.

18 44001.5. (a) There is in the Department of Consumer
19 Affairs a Bureau of Automotive Repair under the
20 supervision and control of the director. A duty of
21 enforcing and administering this chapter is vested in the
22 chief of the bureau who is responsible to the director.

23 (b) The department shall take those actions consistent
24 with its statutory authority to ensure that the reduction
25 in vehicle emissions of hydrocarbons and carbon
26 monoxide is 25 percent or more, and the reduction in
27 vehicle emissions of oxides of nitrogen is 10 percent or
28 more, than would have occurred without a motor vehicle
29 inspection program. The department shall endeavor to
30 achieve these vehicle emission reductions as
31 expeditiously as practicable.

32 (c) In areas of the state where testing for oxides of
33 nitrogen vehicle emissions is conducted pursuant to
34 subdivision (b) of Section 44003, the department shall
35 take all actions to ensure that the reduction in vehicle
36 emissions of hydrocarbons is 40 percent or more, the
37 reduction in carbon monoxide vehicle emissions is 25
38 percent or more, and the reduction in oxides of nitrogen
39 vehicle emissions is 20 percent or more, than would have
40 occurred without a motor vehicle inspection program.



1 The department shall endeavor to achieve these vehicle
2 emission reductions as expeditiously as practicable, but
3 not later than four years after the commencement of
4 testing for oxides of nitrogen vehicle emissions pursuant
5 to subdivision (b) of Section 44003.

6 44002. (a) The department shall have the sole and
7 exclusive authority within the state for developing and
8 implementing the motor vehicle inspection program in
9 accordance with this chapter.

10 (b) For the purposes of administration and
11 enforcement of this chapter, the department, and the
12 director and officers and employees thereof, shall have all
13 the powers and authority granted under Division 1
14 (commencing with Section 1) and Division 1.5
15 (commencing with Section 475) and Chapter 20.3
16 (commencing with Section 9880) of Division 3 of the
17 Business and Professions Code and under Chapter 33
18 (commencing with Section 3300) of Title 16 of the
19 California Code of Regulations. Inspections and repairs
20 performed pursuant to this chapter, in addition to
21 meeting the specific requirements imposed by this
22 chapter, shall also comply with all requirements imposed
23 pursuant to Division 1 (commencing with Section 1) and
24 Division 1.5 (commencing with Section 475) and Chapter
25 20.3 (commencing with Section 9880) of Division 3 of the
26 Business and Professions Code and Chapter 33
27 (commencing with Section 3300) of Title 16 of the
28 California Code of Regulations.

29 44003. (a) Any district may request the department
30 to implement within its area of jurisdiction a motor
31 vehicle inspection program which meets the
32 requirements of this chapter. The area subject to the
33 program shall include the entire urbanized area as
34 defined by the United States Bureau of the Census in
35 which any violation of ambient air quality standards
36 related to motor vehicle emissions exists and any other
37 areas within the district specified by the requesting
38 district or determined by the state board, in consultation
39 with the districts, to contribute to violations of the ozone

1 or carbon monoxide air quality standards in the district or
2 in an adjacent district.

3 (b) At the time of the initial request pursuant to
4 subdivision (a), or at any time thereafter, testing for
5 oxides of nitrogen emissions shall be included at the
6 option of the district requesting the program or upon a
7 determination by the state board, after a hearing held
8 within the district, that testing for oxides of nitrogen
9 emissions will contribute to improved air quality.

10 (c) If testing for oxides of nitrogen emissions is
11 requested pursuant to subdivision (b), the department
12 shall implement a testing program within the district as
13 soon as the department can develop a procedure for
14 testing for oxides of nitrogen emissions that will be
15 feasible and more effective than the testing program
16 existing in 1988. The implementation date for testing for
17 oxides of nitrogen emissions shall be the earliest date
18 which provides sufficient lead time for the development,
19 production, and installation of testing equipment. The
20 department shall endeavor to implement testing within
21 two years of the district's request. If the department
22 determines that more time is required, the department
23 shall provide the district with a detailed implementation
24 schedule and shall periodically report to the district on
25 the progress being made to implement testing.

26 44003.1. (a) Notwithstanding Section 44003.5 or
27 subdivision (a) of Section 44003, the state board shall
28 request the Bureau of Automotive Repair to implement
29 the motor vehicle inspection program in every district
30 that has been designated nonattainment for the state
31 ambient ozone or carbon monoxide standard unless one
32 or more of the following is true:

33 (1) The program is being implemented in the district.

34 (2) The district's nonattainment problem is
35 predominantly caused by transport as determined by the
36 state board pursuant to subdivision (a) of Section 39610
37 and the state board determines that the implementation
38 of the motor vehicle inspection program will neither
39 resolve nor mitigate that problem.



1 (b) The area of the district to be included in the
2 program shall be specified by the state board, after
3 consultation with the district.

4 (c) This section does not apply to the Lake Tahoe Air
5 Basin as defined by the state board pursuant to
6 subdivision (a) of Section 39606.

7 44003.5. (a) Any district that is not, or does not
8 contain, a federally designated nonattainment area, but
9 desires to utilize a motor vehicle inspection program
10 meeting the requirements of this chapter as an air
11 pollution control strategy, may request the department
12 to implement the program within the district if the
13 requesting district finds, and the department concurs in,
14 both of the following:

15 (1) The requesting district adjoins a district that has a
16 motor vehicle inspection program.

17 (2) The adjoining district is the regular destination of
18 a significant number, as determined by the department,
19 of commuter trips which originate in the requesting
20 district and which contribute a significant amount, as
21 determined by the department, of pollutants from motor
22 vehicles.

23 (b) The area of the district to be included in the
24 program shall be specified by the requesting district.

25 44004. (a) The motor vehicle inspection program
26 provided by this chapter, when implemented in a district,
27 shall supersede and replace any other program for motor
28 vehicle emission inspection in the district.

29 (b) However, this chapter shall not apply to any
30 vehicle permanently located on an island in the Pacific
31 Ocean located 20 miles or more from the mainland coast.

32 (c) The motor vehicle inspection program provided
33 by this chapter shall be in accordance with Sections
34 4000.1, 4000.2, and 4000.3 of the Vehicle Code.

35 44005. (a) The department, with the cooperation of
36 the Department of Motor Vehicles, shall implement the
37 motor vehicle inspection program provided for by this
38 chapter consisting of a testing portion, a repair portion,
39 and a consumer protection-oriented quality assurance

1 portion, in accordance with the requirements of this
2 chapter.

3 (b) The program shall provide for inspection of motor
4 vehicles upon initial registration, biennially upon
5 renewal of registration, and upon transfer of ownership.

6

7

Article 2. Program Requirements

8

9 44010. The motor vehicle inspection program shall
10 provide for privately operated stations which shall be
11 referred to as smog check stations and are authorized to
12 issue certificates of compliance or noncompliance to
13 vehicles which meet the requirements of this chapter.

14 44011. All motor vehicles powered by internal
15 combustion engines which are registered within an area
16 designated for program coverage shall be required
17 biennially to obtain a certificate of compliance or
18 noncompliance, except for all of the following:

19 (a) Every motorcycle, every vehicle powered by
20 liquid petroleum gas which is not part of a fleet of 15 or
21 more vehicles, and every diesel-powered vehicle, until
22 the department determines that the inclusion of those
23 vehicles is technologically and economically feasible.

24 (b) Any motor vehicle which has been issued a
25 certificate of compliance or noncompliance or a waiver
26 upon a change of ownership or initial registration in this
27 state during the preceding 12 months.

28 (c) Any motor vehicle manufactured prior to the 1966
29 model-year.

30 (d) Any other motor vehicle which the department
31 determines would present prohibitive inspection or
32 repair problems.

33 (e) Any vehicle registered to the owner of a fleet
34 licensed pursuant to Section 44020 if the vehicle is
35 garaged exclusively outside the area included within the
36 program.

37 (f) Those motor vehicles subject to the program
38 consisting of 1971 and earlier model-years as a group, 1972
39 to 1974, inclusive, model-years as a group, and 1975 to
40 1979, inclusive, model-years as a group for which the state



1 board determines that the emission reductions for a single
2 group, on an individual pollutant basis, are less than 2
3 percent of the total emission reductions achieved by the
4 program.

5 44011.1. For purposes of Section 44011, the term
6 “registered within an area designated for program
7 coverage” includes any vehicle registered pursuant to the
8 Vehicle Code in this state when the registered owner’s
9 mailing or residence address is not located within this
10 state, or when the address at which the vehicle is garaged
11 is not located within this state.

12 44011.5. Documentation that a motor vehicle is
13 exempt from the requirements of Section 44011 may not
14 be based solely on the owner’s statement that the vehicle
15 is in an exempt category. Physical inspection of the
16 vehicle by the department is required unless alternative
17 documentation satisfactory to the department is
18 available.

19 44011.6. (a) (1) As expeditiously as possible, the
20 state board shall develop a test procedure for the
21 detection of excessive smoke emissions from heavy-duty
22 diesel motor vehicles that is feasible for use in an
23 intermittent roadside inspection program. During the
24 development of the test procedure, the state board shall
25 cooperate with the Department of the California
26 Highway Patrol in conducting roadside inspections.

27 (2) The state board may also specify visual or
28 functional inspection procedures to determine the
29 presence of tampering or defective emissions control
30 systems in heavy-duty diesel or heavy-duty gasoline
31 motor vehicles. However, visual or functional inspection
32 procedures for heavy-duty gasoline motor vehicles shall
33 not be more stringent than those prescribed by the
34 department for heavy-duty gasoline motor vehicles
35 subject to biennial inspection pursuant to Section 44013.

36 (3) The chairperson of the state board shall appoint an
37 ad hoc advisory committee which shall include, but not
38 be limited to, representatives of heavy-duty engine
39 manufacturers, carriers of property for compensation
40 using heavy-duty gasoline or diesel motor vehicles, and

1 the Department of the California Highway Patrol. The
2 advisory committee shall cooperate with the state board
3 to develop a test procedure pursuant to this subdivision
4 and shall advise the state board in developing regulations
5 to implement test procedures and inspection of
6 heavy-duty commercial motor vehicles.

7 (b) Any smoke testing procedures or smoke
8 measuring equipment, including any meter that
9 measures smoke opacity or density and any recorder that
10 stores or records smoke opacity or density measurements,
11 used to test for compliance with this section and
12 regulations adopted pursuant to this section, shall
13 produce consistent and repeatable results. The
14 requirements of this subdivision shall be satisfied by the
15 adoption of Society of Automotive Engineers
16 recommended practice J 1667, “Snap-Acceleration
17 Smoke Test Procedures for Heavy-Duty Diesel Powered
18 Vehicles.”

19 (c) (1) The smoke test standards and procedures
20 adopted and implemented pursuant to this section shall
21 be designed to ensure that no engine will fail the smoke
22 test standards and procedures adopted under this section
23 when the engine is in good operating condition and is
24 adjusted to the manufacturer’s specifications.

25 (2) In implementing this section, the state board shall
26 immediately adopt procedures that either ensure that
27 there will be no false failures or that ensure that the state
28 board will remedy any false failures without any penalty
29 to the vehicle owner.

30 (d) The state board shall, by regulation, prohibit the
31 use of heavy-duty motor vehicles which are determined
32 to have excessive smoke emissions or other
33 emissions-related defects, using the test procedure
34 established pursuant to this section.

35 (e) The state board may issue a citation to the owner
36 or operator for any vehicle in violation of the regulations
37 adopted under this section. The regulations may require
38 the operator of a vehicle to submit to a test procedure
39 adopted pursuant to subdivision (a), may specify that
40 refusal to so submit is a violation of the regulations, and



1 shall require that, when a citation has been issued, the
2 owner of a vehicle in violation of the regulations shall,
3 within 45 days, correct every deficiency specified in the
4 citation.

5 (f) The department may develop criteria for one or
6 more classes of smog check stations capable of
7 determining compliance with regulations adopted
8 pursuant to this section and may authorize those stations
9 to issue certificates of compliance to vehicles in
10 compliance with the regulations. The department may
11 contract for the operation of smog check stations for
12 heavy-duty vehicles pursuant to this subdivision, and only
13 heavy-duty vehicles may be inspected at those stations.

14 (g) In addition to the corrective action required by
15 this section, the owner of a motor vehicle in violation of
16 the regulations adopted pursuant to this section is subject
17 to a civil penalty of not more than one thousand five
18 hundred dollars (\$1,500) per day for each day that the
19 vehicle is in violation. The state board may adopt a
20 schedule of reduced civil penalties to be applied in cases
21 where violations are corrected in an expeditious manner.
22 The schedule of reduced civil penalties shall not,
23 however, apply where there have been repeated
24 incidents of emissions control system tampering. All civil
25 penalties imposed pursuant to this subdivision shall be
26 collected by the state board and deposited in the Vehicle
27 Inspection and Repair Fund. Funds in the Vehicle
28 Inspection and Repair Fund shall, when appropriated by
29 the Legislature, be available to the state board and the
30 Department of the California Highway Patrol for the
31 conduct of intermittent roadside inspections of
32 heavy-duty vehicles pursuant to this section.

33 (h) Following the adoption of regulations pursuant to
34 this section, the state board and the Department of the
35 California Highway Patrol shall commence inspecting
36 heavy-duty motor vehicles. With the concurrence of the
37 Department of the California Highway Patrol, these
38 inspections may be conducted in conjunction with the
39 safety and weight enforcement activities of the
40 Department of the California Highway Patrol or at other

1 locations selected by the state board or the Department
2 of the California Highway Patrol. Inspection locations
3 may include private facilities where fleet vehicles are
4 serviced or maintained. The state board and the
5 Department of the California Highway Patrol may
6 conduct these inspections either cooperatively or
7 independently, and the state board may contract for
8 assistance in the conduct of these inspections.

9 (i) The state board shall inform the Department of the
10 California Highway Patrol whenever a vehicle owner
11 cited pursuant to this section fails to take a required
12 corrective action or to pay a civil penalty levied pursuant
13 to subdivisions (g) and (k) in a timely manner. Following
14 notice and opportunity for an administrative hearing
15 pursuant to subdivision (I), the state board may request
16 the Department of the California Highway Patrol to
17 remove the vehicle from service and order the vehicle
18 stored. Upon notification from the state board of payment
19 of any civil penalties imposed under subdivision (g) and
20 storage and related charges, the vehicle shall be released
21 to the owner or designee. Upon release of the vehicle, the
22 owner or designee shall correct every deficiency
23 specified in any citation to that owner with respect to the
24 vehicle.

25 (j) The state board, in consultation with the
26 Department of the California Highway Patrol, shall,
27 within two years of the adoption of regulations pursuant
28 to this section, prepare and submit to the Legislature a
29 report on the smoke emissions enforcement program
30 conducted under this section, including, but not limited
31 to, its assessment of the effectiveness of the program, the
32 impact of the program on the operations of the
33 Department of the California Highway Patrol, and its
34 recommendations for changes in, alternatives to, or
35 termination of, the program.

36 (k) In addition to the corrective action required by
37 subdivision (e), and in addition to the civil penalty
38 imposed by subdivision (g), the owner of a motor vehicle
39 cited by the state board pursuant to this section shall pay
40 a civil penalty of three hundred dollars (\$300) per



1 citation; except that this penalty shall not apply to the first
2 citation for any schoolbus. All civil penalties imposed
3 pursuant to this subdivision shall be collected by the state
4 board and deposited in the Diesel Emission Reduction
5 Fund, which fund is hereby created. Funds in the Diesel
6 Emission Reduction Fund shall, when appropriated by
7 the Legislature, be available to the State Energy
8 Resources Conservation and Development Commission
9 for research, development, and demonstration programs
10 undertaken pursuant to Section 24617 of the Public
11 Resources Code.

12 (l) The state board shall adopt regulations that afford
13 an owner cited under this section an opportunity for an
14 administrative hearing. Any owner cited under this
15 section may request an administrative hearing within 45
16 days following either personal receipt or certified mail
17 receipt of the citation. If the owner fails to request an
18 administrative hearing within 45 days, the citation shall
19 be deemed a final order and not subject to review by any
20 court or agency. If the owner requests an administrative
21 hearing and fails to seek review by administrative
22 mandamus pursuant to Section 1094.5 of the Code of Civil
23 Procedure within 60 days after the mailing of the
24 administrative hearing decision, the decision shall be
25 deemed a final order and not subject to review by any
26 other court or agency. The 45-day period may be
27 extended by the administrative hearing officer for good
28 cause.

29 (m) Following exhaustion of the review procedures
30 provided for in subdivision (l), the state board may apply
31 to the Superior Court of Sacramento County for a
32 judgment in the amount of the civil penalty. The
33 application, which shall include a certified copy of the
34 final order of the administrative hearing officer, shall
35 constitute a sufficient showing to warrant the issuance of
36 the judgment.

37 44012. The test at the smog check stations shall be
38 performed in accordance with procedures prescribed by
39 the department pursuant to Section 44013 and shall
40 include all of the following:

1 (a) A determination that emission control devices and
2 systems required by state and federal law are installed
3 and functioning correctly in accordance with the test
4 procedure adopted pursuant to subdivision (b) of Section
5 44013.

6 (b) A preconditioning of the motor vehicle to ensure
7 representative and stabilized operation of the vehicle's
8 emission control system.

9 (c) For other than diesel-powered vehicles, a test of
10 the vehicle's exhaust emissions of hydrocarbons, carbon
11 monoxide, and carbon dioxide in an idle mode or loaded
12 mode in accordance with the procedure prescribed by
13 the department. Testing for oxides of nitrogen emissions
14 shall be included if the district has requested testing for
15 oxides of nitrogen and the department has implemented
16 a testing program pursuant to Section 44003.

17 (d) For diesel-powered vehicles when the
18 department determines that the inclusion of those
19 vehicles is technologically and economically feasible, a
20 test of the vehicle's exhaust emissions in an idle mode or
21 loaded mode in accordance with the procedure
22 prescribed by the department. The test may include
23 testing of emissions of any or all of the pollutants specified
24 in subdivision (c) and, upon the adoption of applicable
25 standards, measurement of emissions of smoke or
26 particulates, or both.

27 (e) A determination as to whether the motor vehicle
28 complies with the emission standards for that vehicle's
29 class and model-year as prescribed by the department.

30 44013. (a) (1) The department, in cooperation with
31 the state board, shall prescribe maximum emission
32 standards to be applied in inspecting motor vehicles
33 under this chapter.

34 (2) In prescribing the standards, the department shall
35 undertake studies and experiments which are necessary
36 and feasible, evaluate available data, and confer with
37 automotive engineers.

38 (3) The standards shall be set at a level reasonably
39 achievable for each class and model of motor vehicle
40 when operating in a reasonably sound mechanical



1 condition, allowing for the effects of installed motor
2 vehicle pollution control devices and the motor vehicle's
3 age and total mileage. The standards shall be designed so
4 that motor vehicles will be operated, as soon as possible,
5 with a substantial reduction in emissions, and shall be
6 revised from time to time as experience justifies.

7 (b) The department, in cooperation with the state
8 board, shall research and prescribe test procedures to be
9 applied in inspecting motor vehicles under this chapter,
10 which procedures shall be simple, cost-effective, and
11 consistent with Section 44012. The department may
12 revise the test procedures from time to time as
13 experience justifies. To the extent that any test procedure
14 revision requires new equipment, or a change in
15 equipment, at licensed smog check stations, the
16 department shall provide a reasonable period of time for
17 the acquisition and installation of that new or changed
18 equipment.

19 (c) Notwithstanding any other provision of this
20 chapter, the maximum emission standards and test
21 procedures prescribed in subdivisions (a) and (b) for a
22 motor vehicle class and model-year shall not be more
23 stringent than the emission standards and test procedures
24 under which that motor vehicle's class and model-year
25 was certified. Emission standards and test procedures
26 prescribed by the department shall ensure that not more
27 than 5 percent of the vehicles or engines, which would
28 otherwise meet the requirements of this part, will fail the
29 inspection and maintenance test for that class of vehicle
30 or engine.

31 44014. (a) The testing and repair portion of the
32 program shall be conducted by smog check stations
33 licensed by the department, and by smog check
34 mechanics who have qualified pursuant to this chapter.

35 (b) A smog check station may be licensed by the
36 department as a smog check test only station and, when
37 so licensed, need not comply with the requirement for
38 onsite availability of current service and adjustment
39 procedures specified in paragraph (3) of subdivision (b)
40 of Section 44030. A smog check mechanic employed by a

1 smog check test only station shall be qualified in
2 accordance with this section.

3 (c) Smog check mechanics are qualified to test and
4 repair only those classes and categories of vehicles for
5 which they have passed a qualification test administered
6 by the department. The department shall provide for
7 smog check mechanics to be qualified for different
8 categories of motor vehicle inspection based on vehicle
9 classification and model-year.

10 (d) The consumer protection-oriented quality
11 assurance portion of the program, shall be conducted by
12 more than one private entity pursuant to contracts with
13 the department.

14 44015. (a) A licensed smog check station shall not
15 issue a certificate of compliance or noncompliance for a
16 motor vehicle which does not meet the requirements of
17 Section 44012.

18 (b) If a vehicle meets the requirements of Section
19 44012, a licensed smog check station shall issue a
20 certificate of compliance or a certificate of
21 noncompliance. The certificate shall be signed by a
22 licensed inspector.

23 (c) A certificate of compliance or noncompliance may
24 be issued by the department or a referee facility when it
25 is determined that no adjustment or repair can be made
26 that will reduce emissions from the inspected motor
27 vehicle without exceeding the cost limit established by
28 the department and that every defect specified by
29 paragraph (2) of subdivision (a) of Section 43204, and by
30 paragraphs (2) and (3) of subdivision (a) and paragraph
31 (2) of subdivision (b) of Section 43205, has been
32 corrected.

33 (d) A certificate of compliance or noncompliance shall
34 be valid for 90 days.

35 (e) A test may be made at any time within three
36 months prior to the date otherwise required.

37 44015.5. (a) A certificate of compliance shall not be
38 issued to any new motor vehicle or motor vehicle with a
39 new motor vehicle engine which is not certified by the



1 state board, and which is the subject of a transaction
2 prohibited by Section 43152 or 43153.

3 (b) With respect to a new motor vehicle or motor
4 vehicle with a new motor vehicle engine not certified by
5 the state board which is in violation of Article 1.5
6 (commencing with Section 43150) of Chapter 2, but
7 which is not the subject of a transaction prohibited by
8 Section 43152 or 43153, a certificate of noncompliance
9 shall be issued. The certificate of noncompliance shall
10 indicate the basis for nonconformity and the data shall be
11 sent to the state board.

12 44016. The department shall, with the cooperation of
13 the state board and after consultation with the motor
14 vehicle manufacturers and representatives of the service
15 industry, research, establish, and update as necessary,
16 specifications and procedures for motor vehicle
17 maintenance and tuneup procedures and for repair of
18 motor vehicle pollution control devices and systems.
19 Licensed repair stations and qualified mechanics shall
20 perform all repairs in accordance with specifications and
21 procedures so established.

22 44017. (a) The department shall set cost limitations
23 for repairs required under the program, including parts
24 and labor, as follows:

25 (1) For motor vehicles of 1971 and earlier model-years,
26 fifty dollars (\$50).

27 (2) For motor vehicles of 1972 to 1974, inclusive,
28 model-years, ninety dollars (\$90).

29 (3) For motor vehicles of 1975 to 1979, inclusive,
30 model-years, one hundred twenty-five dollars (\$125).

31 (4) For motor vehicles of 1980 to 1989, inclusive,
32 model-years, one hundred seventy-five dollars (\$175).

33 (5) For motor vehicles of 1990 and later model-years,
34 three hundred dollars (\$300).

35 (b) The department shall periodically revise the cost
36 limitations specified in subdivision (a) in accordance with
37 changes in the Consumer Price Index, as published by the
38 United States Bureau of Labor Statistics. No limit shall be
39 imposed in those cases where emissions control

1 equipment is missing or is partially or totally inoperative
2 as a result of tampering.

3 44017.3. (a) Each smog check station shall have
4 posted conspicuously in an area frequented by customers
5 a list of price ranges indicating the maximum amounts
6 established by law to be spent on repairs required to cause
7 a motor vehicle to pass a smog check. The signs shall be
8 required in all stations where smog check inspections are
9 performed. In stations where licensed smog check
10 mechanic repairs are not performed, the station shall
11 have posted conspicuously in an area frequented by
12 customers a statement that mechanics are not available
13 and repairs are not performed.

14 (b) The sign dimensions and letter typeface and point
15 size shall be established by regulation by the Bureau of
16 Automotive Repair and shall be similar to other posted
17 signs required by the bureau.

18 (c) The sign shall read:

19

20 “Notice

21

22 Under California law, the following amounts are the
23 maximum you are required to spend in repairing the
24 engine and exhaust systems to bring your motor vehicle
25 into compliance with emission control system standards:

26

27

28	Year of Vehicle	Maximum Amount
29	'66 – '71	\$ 50.00
30	'72 – '74	\$ 90.00
31	'75 – '79	\$ 125.00
32	'80 – '89	\$ 175.00
33	'90 – On	\$ 300.00

34

35 These amounts do not include the replacement costs
36 for replacing missing, modified, or disconnected emission
37 control system parts.

38 If your repair estimate exceeds the above amounts, you
39 may elect to pay that amount and have the repairs
40 completed, or call the referee at the toll-free number



1 provided by this station.”

2
3 (d) The specific amounts enumerated in the sign shall
4 be in compliance with Section 44017. The adjustments in
5 the repair cost limitations authorized in subdivision (b)
6 of that section shall also be reflected in the sign.

7 44017.5. At the earliest possible date, as determined
8 by the bureau, the bureau shall implement at the referee
9 stations, where appropriate, an alternative workday
10 schedule which substitutes Saturday working hours in
11 lieu of another day during the Monday through Friday
12 workweek, in order to provide for increased availability
13 of referee station services.

14 44018. (a) The motor vehicle inspection program
15 may include advisory safety equipment maintenance
16 checks, fuel efficiency checks, or both, on the motor
17 vehicle if the department finds that cost-effective
18 methods for conducting those checks exist and that the
19 cost of the inspection to the vehicle owner due to the
20 additional checks would not be increased by more than
21 10 percent. The department shall specify the equipment
22 to be checked and the procedures for conducting those
23 checks.

24 (b) Notwithstanding subdivision (a), a motor vehicle
25 sold at retail by a lessor-dealer licensed pursuant to
26 Chapter 3.5 (commencing with Section 11600), or a
27 dealer licensed pursuant to Chapter 4 (commencing with
28 Section 11700), of Division 5 of the Vehicle Code shall not
29 be subject to an advisory safety equipment maintenance
30 check pursuant to this section.

31 44019. (a) Every public agency, including, but not
32 limited to, a publicly owned public utility, owning or
33 operating any motor vehicle that is exempt from annual
34 renewal of registration, and is otherwise subject to this
35 chapter, shall obtain for the vehicle a certificate of
36 compliance with the same frequency as is required for
37 vehicles subject to renewal of registration. The cost
38 limitations specified in Section 44017 do not apply to any
39 vehicle owned or operated by a public agency.

(b) Certificates of compliance required by subdivision (a) shall be issued if the vehicle meets the requirements of Section 44012 using a test analyzer system meeting the requirements of the department. Any certificate so issued shall be indexed by vehicle license plate number or vehicle identification number and retained by the public agency for not less than three years, and shall be available for inspection by the department.

(c) Every public agency subject to subdivision (a) shall annually report to the department the number of certificates issued, the number of motor vehicles owned, and the schedule under which the motor vehicles were issued certificates of compliance.

(d) The department may accept proof of compliance with this section other than by a certificate of compliance.

44020. Notwithstanding any other provision of this chapter, the department may license any owner of a fleet of 10 or more motor vehicles subject to this chapter, who so elects, to implement and conduct the tests and to perform necessary service and adjustment on the fleet's vehicles under this chapter, subject to all of the following conditions:

(a) The owner's facilities or personnel, or both, or a designated contractor of the owner, shall be licensed by the department as a fleet smog check station, and the test and repair system shall conform, in the department's determination, with all provisions of this chapter and all rules and regulations adopted by the department. The regulations shall provide for adequate onsite inspection by the department.

(b) A license issued under this section is subject to Sections 44035 and 44050 and may be suspended or revoked by the department whenever the department determines, on the basis of random spot checks of the owner's inspection system and fleet vehicles, that the system fails to conform or that certificates of compliance have been issued by the owner in violation of regulations adopted by the department. Any person licensed to conduct tests and service and adjustments under this section is deemed to have consented to provide the

1 department with whatever access, information, and
2 other cooperation the department reasonably
3 determines are necessary to facilitate the random spot
4 checks.

5 (c) A fleet owner licensed to conduct tests or make
6 repairs pursuant to this chapter shall issue certificates of
7 compliance for motor vehicles which comply with the
8 requirements of this chapter. The cost limitations in
9 Section 44017 shall not apply to any motor vehicle owned
10 by a fleet owner licensed pursuant to this section.

11 (d) Notwithstanding subdivision (c), certificates of
12 compliance or noncompliance prepared solely for the
13 disposal or sale of motor vehicles owned by a fleet owner
14 licensed pursuant to this section shall be subject to the
15 cost limitations in Section 44017.

16 (e) The department shall establish initial and renewal
17 license fees, which shall not exceed the reasonable costs
18 of administering this section.

19 44021. (a) The department shall conduct ongoing
20 cost benefit analyses and other evaluations of the motor
21 vehicle inspection program, including, but not limited to,
22 observed patterns of malfunctions in inspected motor
23 vehicles' emissions control systems, inquiries from the
24 public regarding emissions system warranties, inspection
25 and repair costs, the failure rate after repairs, and
26 recommendations for legislation to improve the
27 inspection program. The department shall prepare and
28 submit an annual report to the Legislature on the analyses
29 and evaluations of the program. The department shall
30 conduct at least one public hearing prior to submitting
31 each report and shall include pertinent information
32 which it receives from the public hearing in that report.
33 The department shall include the following information
34 in its annual report:

35 (1) A narrative description of what actions have been
36 taken by the department, since the last report, to
37 implement recommendations contained in the reports of
38 the review committee submitted pursuant to subdivisions
39 (c) and (d). The description shall identify the funds
40 expended to implement the recommendations, the

1 sources of those funds, and how those funds and sources
2 have changed since the department's last report.

3 (2) A quantitative assessment of the impact of these
4 actions, since the last report, on all of the following:

5 (A) The waiver rate.

6 (B) The percentage of all inspections performed
7 pursuant to subdivision (a) of Section 44012 which were
8 incorrectly or incompletely performed.

9 (C) The percentage of repairs to emission control
10 devices and systems which were incorrectly or
11 incompletely performed.

12 (D) The percentage of enforcement investigations
13 which result in issuance of a citation or imposition of any
14 other penalty.

15 (3) (A) An identification and assessment of whether
16 any additional actions or funds are required to achieve
17 any specific performance or emission reduction
18 objectives identified in the review committee report.

19 (B) The department shall provide the review
20 committee and the state board an opportunity to
21 comment on the draft annual report prepared under this
22 subdivision, and any written comments of the state board
23 or the review committee shall be included in the final
24 report submitted to the Legislature.

25 (b) The department shall conduct a review of the
26 effect of exempting vehicles which, within 90 days prior
27 to a change of ownership, passed a biennial smog
28 inspection. The review shall include the evaluation of the
29 emission reductions. Where appropriate, based upon the
30 findings, the department may exempt these vehicles
31 from the requirements of subdivision (a) of Section
32 4000.1 of the Vehicle Code.

33 (c) A review committee is hereby created to analyze
34 the effect of the program on motor vehicle emissions and
35 air quality. The review committee shall consist of a
36 representative from the state board and a representative
37 from each of the districts in which the motor vehicle
38 inspection program has been implemented.

39 (1) The committee shall elect one of its members as its
40 chairperson. The members of the committee shall receive

1 no compensation, but shall be reimbursed by the
2 department for their actual and necessary expenses in
3 performing committee duties. The state board and the
4 department shall provide the committee the necessary
5 technical and clerical support in its evaluation of program
6 effectiveness.

7 (2) The committee shall schedule and conduct
8 periodic meetings in the performance of its duties, and
9 shall meet and consult with local, state, and federal
10 officials involved in the evaluation of motor vehicle
11 inspection and maintenance programs.

12 (d) The review committee shall conduct at least one
13 public hearing prior to submitting its report to the
14 Legislature and shall include pertinent information
15 which it receives from the public hearings in its report.
16 The first report shall be submitted not later than 36
17 months following the implementation of the program.
18 Thereafter, the committee shall submit periodic written
19 reports to the Legislature on the program at least every
20 24 months. The committee's reports shall quantify the
21 reduction in emissions and improvement in air quality
22 attributed to the program.

23 (e) (1) In those areas where testing for oxides of
24 nitrogen emissions has not been implemented, the
25 review committee shall determine whether the average
26 emissions of hydrocarbons and carbon monoxide from
27 inspected vehicles is at least 25 percent less than the
28 average of those emissions without the program.

29 (2) In those areas where testing for oxides of nitrogen
30 emissions has been implemented, the committee shall
31 determine whether the average emissions from
32 inspected motor vehicles is at least 40 percent less for
33 hydrocarbons, at least 25 percent less for carbon
34 monoxide, and at least 20 percent less for oxides of
35 nitrogen, than the average of those emissions without the
36 program.

37 (3) If the committee determines that the average
38 percentage reduction in emissions from inspected motor
39 vehicles is less than the percentages specified in
40 paragraph (1) or (2), as the case may be, the report shall

1 include specific recommendations for improving the
2 emissions reduction effectiveness and administration of
3 the program. Where possible, specific recommendations
4 shall include quantitative performance objectives which
5 the committee has determined are reasonably achievable
6 and which are based on the program's achieving the
7 maximum emissions reduction. The department shall
8 take all feasible actions to implement the committee's
9 recommendations as expeditiously as practical.

10 44022. (a) No license issued to an official motor
11 vehicle pollution control device installation and
12 inspection station or to a motor vehicle pollution control
13 device installer under Section 9887.1 of the Business and
14 Professions Code shall be valid. Every such station and
15 installer shall be licensed under this chapter.

16 (b) The department may specify requirements for
17 emission test analyzers that are different from the
18 requirements contained in subdivision (b) of Section
19 44036.

20

21 Article 3. Quality Assurance

22

23 44030. (a) The department shall develop standards
24 for the licensing of smog check stations. Tests, service,
25 and adjustment at smog check stations shall be performed
26 by a qualified smog check mechanic.

27 (b) The licensing standards for smog check stations
28 may include, but are not limited to, requirements for all
29 of the following:

30 (1) Use of computerized and tamper-resistant testing
31 equipment, including, but not limited to, test analyzer
32 systems meeting the current requirements of the
33 department.

34 (2) Annual license renewal.

35 (3) Onsite availability of current emission control
36 system information and service and adjustment
37 procedures.

38 44030.5. (a) The department shall develop standards
39 for certification of institutions and instructors for
40 purposes of providing training of smog check mechanics.



1 The standards shall include criteria for applications,
2 manuals, textbooks, laboratory equipment, laboratory
3 exercises, hands-on work, examinations, and other
4 matters the department determines necessary for a
5 certified course of instruction.

6 (b) The standards shall also specify the conditions
7 under which an institution or instructor may be
8 decertified, and under which a decertified institution or
9 instructor may regain certification.

10 44031. (a) The owner or manager of every licensed
11 smog check station shall be a licensed inspector.

12 (b) Every licensed inspector either shall have
13 completed training courses meeting the standards
14 developed under Section 44031.5 or shall be a qualified
15 smog check mechanic.

16 (c) The license of a licensed inspector shall be issued
17 for a period of two years and is subject to renewal every
18 two years thereafter. The department shall establish
19 initial and renewal license fees, which shall not exceed
20 the reasonable costs of administering the licensed
21 inspector program.

22 44031.5. (a) No smog check mechanic may perform
23 tests or make repairs required by this chapter, for
24 compensation, unless qualified by the department for the
25 class and category of vehicle being tested or repaired. To
26 qualify, smog check mechanics shall pass a qualification
27 test administered by the department in addition to
28 meeting minimum experience and training criteria
29 established by the department. Passage of the
30 qualification test shall also be required upon each biennial
31 renewal of the smog check mechanic's license.

32 (b) No person may perform the duties of a licensed
33 inspector, including, but not limited to, the signing of
34 certificates, unless that person is licensed and has met the
35 requirements of subdivision (b) of Section 44031. This
36 subdivision applies to every licensed inspector upon the
37 first renewal of the inspector's license, and upon each
38 renewal thereafter.

1 (c) The department shall prescribe training and
2 periodic retraining courses for licensed inspectors and for
3 smog check mechanics.

4 (d) Whenever the department determines, through
5 investigation, that a previously qualified smog check
6 mechanic may lack the skills to reliably and accurately
7 perform the test or repair functions within the required
8 qualification, it may prescribe for the mechanic one or
9 more retraining courses which have been certified by the
10 department. The smog check mechanic may request and
11 be granted a hearing, pursuant to Chapter 5
12 (commencing with Section 11500) of Part 1 of Division 3
13 of Title 2 of the Government Code, on the department's
14 determination. The request for a hearing shall be
15 submitted within 30 days of the department's notification
16 of its determination. A failure to complete the prescribed
17 retraining course within the time designated by the
18 department, or to request a hearing within 30 days of the
19 department's notification of its determination, shall result
20 in loss of qualification. Upon a later completion of the
21 prescribed department certified retraining course, the
22 department may reinstate the smog check mechanic's
23 qualification.

24 (e) Smog check mechanics shall have the option to do
25 hands-on work in lieu of written work in order to
26 successfully complete the department certified training
27 and retraining courses. The institution administering the
28 department certified training or retraining courses shall
29 issue a certificate of completion to each person
30 successfully completing the certified courses. The
31 certificate shall be valid for two years.

32 (f) There is hereby created a training course advisory
33 board to assist and advise the department in
34 recommending the form and content of training courses.
35 The advisory board shall consist of five members
36 appointed by the director, of whom two shall represent
37 smog check station owners or managers, two shall
38 represent smog check mechanics, and one shall be a
39 public member. The director may establish, by
40 regulation, the term of office of the members. The



1 members of the advisory board shall receive no
2 compensation for their services, but shall be reimbursed
3 for their actual and necessary expenses in performing
4 their duties under this subdivision.

5 44031.5. (a) No smog check mechanic may perform
6 tests or make repairs required by this chapter, for
7 compensation, unless qualified by the department for the
8 class and category of vehicle being tested or repaired. To
9 qualify, smog check mechanics shall pass a qualification
10 test administered by the department in addition to
11 meeting minimum experience and training criteria
12 established by the department. Passage of the
13 qualification test shall also be required upon each biennial
14 renewal of the smog check mechanic's license.

15 (b) No person may perform the duties of a licensed
16 inspector, including, but not limited to, the signing of
17 certificates, unless that person is licensed and has met the
18 requirements of subdivision (b) of Section 44031. This
19 subdivision applies to every licensed inspector upon the
20 first renewal of the inspector's license after January 1,
21 1988, and upon each renewal thereafter.

22 (c) The department shall prescribe training and
23 periodic retraining courses for licensed inspectors and for
24 smog check mechanics.

25 (d) Whenever the department determines, through
26 investigation, that a previously qualified smog check
27 mechanic may lack the skills to reliably and accurately
28 perform the test or repair functions within the required
29 qualification, it may prescribe for the mechanic one or
30 more retraining courses which have been certified by the
31 department. The smog check mechanic may request and
32 be granted a hearing, pursuant to Chapter 5
33 (commencing with Section 11500) of Part 1 of Division 3
34 of Title 2 of the Government Code, on the department's
35 determination. The request for a hearing shall be
36 submitted within 30 days of the department's notification
37 of its determination. A failure to complete the prescribed
38 retraining course within the time designated by the
39 department, or to request a hearing within 30 days of the
40 department's notification of its determination, shall result

1 in loss of qualification. Upon a later completion of the
2 prescribed department certified retraining course, the
3 department may reinstate the smog check mechanic's
4 qualification.

5 (e) Smog check mechanics shall have the option to do
6 hands-on work in lieu of written work in order to
7 successfully complete the department certified training
8 and retraining courses. The institution administering the
9 department certified training or retraining courses shall
10 issue a certificate of completion to each person
11 successfully completing the certified courses. The
12 certificate shall be valid for two years.

13 44032. No person shall perform, for compensation,
14 tests or repairs of emission control devices or systems of
15 motor vehicles required by this chapter unless the person
16 performing the test or repair is a qualified smog check
17 technician and the test or repair is performed at a
18 licensed smog check station. Qualified mechanics shall
19 perform tests of emission control devices and systems in
20 accordance with Section 44012.

21 44033. (a) Any facility meeting the requirements
22 established by the department pursuant to this chapter
23 may be licensed as a smog check station. A licensed smog
24 check station shall display an identifying sign prescribed
25 by the department in a manner conspicuous to the public.

26 (b) No licensed smog check station shall require, as a
27 condition of performing the test, that any needed repairs
28 or adjustment be done by the person, or at the facility of
29 the person, performing the test.

30 (c) If a motor vehicle, including a commercial vehicle,
31 is tested at a facility licensed to perform tests and repairs
32 pursuant to this chapter, the facility shall provide the
33 customer with a written estimate pursuant to Section
34 9884.9 of the Business and Professions Code. The written
35 estimate shall contain a notice to the customer stating
36 that the customer may choose another smog check station
37 to perform needed repairs, installations, adjustments, or
38 subsequent tests.

39 (d) Charges for testing or repair, or both, shall be
40 separately stated.



(e) The department shall require the posting of station licenses, inspector licenses, and qualified mechanics certificates prominently in each place of business so as to be readily visible to the public.

44034. Annual license fees for smog check stations and biennial license fees for smog check mechanics may be imposed by the department, but shall not exceed the reasonable cost of administering the qualifications and licensing program.

44034.1. The department may impose an examination fee for smog check mechanic initial and biennial renewal applicants. Payment of the fee entitles the applicant to be scheduled for an examination. If the applicant fails to pass the examination or fails to appear for the examination, the applicant shall forfeit the examination fee.

44035. A smog check station's license, an inspector's license, or a qualified smog check mechanic's qualification may be suspended or revoked by the department, after a hearing, for failure to meet or maintain the standards prescribed for qualification, equipment, performance, or conduct. The department shall adopt rules and regulations governing the suspension, revocation, and reinstatement of licenses and qualifications and the conduct of the hearings.

44036. (a) The consumer protection-oriented quality assurance portion of the motor vehicle inspection program shall ensure uniform and consistent tests and repairs by all qualified smog check mechanics and licensed smog check stations throughout the district, and shall include a number of referee stations available to consumers. Sufficient referee stations shall be provided to accommodate at least 2 percent of the motor vehicles subject to this chapter.

(b) All licensed smog check stations shall utilize original equipment and replacement parts that are certified by the department. The department shall charge a fee for certification testing of the equipment or the replacement parts. The fee for certification testing of equipment shall be fixed by the department based upon its actual costs of certification testing, shall be calculated

1 from the time the equipment is submitted for
2 certification testing until the time the certification
3 testing is complete, and shall in no event exceed ten
4 thousand dollars (\$10,000). The fee for certification
5 testing of replacement parts shall be fixed by the
6 department based upon its actual costs of certification
7 testing, shall be calculated from the time the replacement
8 part is submitted for certification testing until the time
9 the certification testing is complete, and shall in no event
10 exceed two thousand five hundred dollars (\$2,500). The
11 department shall adopt, and may from time to time
12 revise, standards for certification and decertification of
13 the equipment, which may include a device for testing of
14 emissions of oxides of nitrogen. As expeditiously as
15 possible, the department shall adopt equipment
16 standards which shall include a test analyzer system
17 containing all of the following:

18 (1) A microprocessor to control test sequencing,
19 selection of proper test standards, the automatic pass or
20 fail decision, and the format for the test report and the
21 recorded data file. The microprocessor shall be capable of
22 using a standardized programming language specified by
23 the department.

24 (2) An exhaust gas analysis portion with an analyzer
25 for hydrocarbons, carbon monoxide, and carbon dioxide
26 which is designed to accommodate an optional oxides of
27 nitrogen analyzer.

28 (3) A device to accept and record motor vehicle
29 identification information, including a device capable of
30 reading bar code information affixed to vehicles pursuant
31 to regulations of the state board.

32 (4) A device to provide a printed record of the test
33 process and diagnostic information for the motorist.

34 (5) A device capable of measuring engine speed from
35 all models of vehicles using spark ignition at the time the
36 specification is adopted by the department.

37 (6) A mass storage device capable of storing not less
38 than the minimum amount of program software and data
39 specified by the department.



1 (7) A device to provide for the periodic modification
2 of all program and data files contained on the mass
3 storage device, using a standardized form of removable
4 media conforming to specifications of the department.

5 (8) A device which provides for the storage of test
6 records on a standardized form of removable media
7 conforming to specifications of the department.

8 (9) One or more communications ports conforming to
9 the specifications established by the department.

10 (10) An interface capable of monitoring equipment
11 used with loaded mode testing.

12 (11) Any other features that the department
13 determines will increase the effectiveness of the
14 program.

15 (c) The department shall require all smog check
16 stations to use equipment meeting the requirements of
17 subdivision (b). However, the department may defer the
18 requirement for any equipment, external to the chassis of
19 the test analyzer system, needed to read bar code
20 information until such time as a substantial portion of the
21 vehicles subject to this chapter are equipped with bar
22 code labels. Prior to a requirement for equipment
23 meeting the requirements of subdivision (b), every smog
24 check station shall use equipment meeting the
25 specifications of the department in effect on January 1,
26 1988. Any equipment required may be supplied by a
27 single supplier in any nonattainment area if it is
28 determined that there would be a demonstrable cost
29 savings as shown through the solicitation and evaluation
30 of competitive bids for each nonattainment area. If it is
31 determined that any equipment required shall be
32 supplied by a single supplier, the supplier shall enter into
33 a master agreement with the department specifying the
34 prices, terms, and conditions under which the supplier
35 will provide equipment in a uniform manner within the
36 nonattainment area. The master agreement shall contain
37 terms consistent with the bid upon which it is based.

38 (d) The quality assurance portion shall provide for
39 inspections of licensed smog check stations, data
40 collection and forwarding, equipment accuracy checks,

1 operation of referee stations, and other necessary
2 functions. In contracting for services pursuant to
3 subdivision (d) of Section 44014, the department shall
4 prepare detailed specifications and solicit bids from
5 private entities for the implementation of the quality
6 assurance functions.

7 (e) The department may revise the specifications for
8 equipment annually if the cost thereof is less than 20
9 percent of the total system cost. A more comprehensive
10 revision to the specifications may be required not more
11 often than every five years.

12 (f) (1) Equipment manufacturers shall furnish to the
13 department, and shall install, software updates as
14 specified by the department. The department shall allow
15 equipment manufacturers six months, from the date the
16 department issues its proposed specifications for periodic
17 software updates, to obtain department approval that the
18 updates meet the proposed specifications and to install
19 the updates in all equipment subject to the updates.
20 During the first 30 days of the six-month period, the
21 manufacturers shall be permitted to review and to
22 comment upon the proposed specifications. However,
23 notwithstanding any other provision of this section, the
24 department may order manufacturers to install software
25 changes in a shorter period of time upon a finding by the
26 department that a previously installed update does not
27 meet current specifications. A manufacturer's failure to
28 furnish or install software updates as so specified is cause
29 for the department to decertify the manufacturer's test
30 analyzer system or to issue a citation to the manufacturer.
31 The citation shall specify the nature of the violation and
32 may specify a civil penalty not to exceed one thousand
33 dollars (\$1,000) for each day the manufacturer fails to
34 furnish or install the specified software updates by the
35 specified period. In assessing a civil penalty pursuant to
36 this subdivision, the department shall give due
37 consideration, in determining the appropriateness of the
38 amount of the civil penalty, to factors such as the gravity
39 of the violation, the good faith of the manufacturer, and
40 the history of previous violations.



(2) The citations shall be served pursuant to subdivision (c) of Section 11505 of the Government Code. The manufacturer may request a hearing in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. A request for a hearing shall be submitted in writing within 30 days of service of the citation, and shall be delivered to the office of the department in Sacramento. Hearings and related procedures under this subdivision shall be conducted in the same manner as proceedings for adjudication of an accusation under that Chapter 5, except as otherwise specified in this article.

(3) If within 30 days from service of the citation, the manufacturer fails to request a hearing, the citation shall be deemed the final order of the department.

(4) Any failure to comply with the final order of the department for payment of a civil penalty, or to pay the amount specified in any settlement executed by the licensee and the Director of Consumer Affairs, is cause for decertification of the manufacturer's test analyzer system.

44036.5. (a) The department shall set standards for test analyzer system (TAS) calibration gases and shall establish criteria to certify and decertify gas blenders who blend, fill, or sell TAS calibration gases.

(b) No person shall blend, fill, or sell any TAS calibration gases unless certified by the department and no person shall use in a TAS calibration gases which are not certified.

44036.8. The data collected by the equipment used by a smog check station, as required by regulations of the bureau, may be used by a licensed smog check station mechanic or operator when appealing a citation issued by the bureau.

44037. The department shall compile and maintain records, using the sampling methodology necessary to ensure their scientific validity and reliability, of tests and repairs performed by qualified smog check mechanics at licensed smog check stations pursuant to this chapter on all of the following information:

1 (a) The motor vehicle identification information and
2 the test data collected at the station.

3 (b) The number of maintenance and repair operations
4 performed on motor vehicles which fail to pass a test
5 conducted pursuant to this chapter.

6 (c) The correlation between maintenance and repairs
7 recommended by the department pursuant to Section
8 44016 and maintenance and repairs performed.

9 (d) The charges assessed for the service and repairs.

10 (e) Any other information deemed essential by the
11 department.

12 A written summary of all the above information shall be
13 available annually for the mechanics and smog check
14 stations in each district and to the public upon request.

15 44038. Each smog check station shall transmit vehicle
16 data and emission test results to the department. Each
17 smog check station shall also transmit to the department
18 vehicle data and emission measurements made before
19 and after repair. The department shall establish, by
20 regulation, the form, manner, and frequency of those
21 data transmittals.

22 44039. A written summary of the required
23 information applicable to smog check stations in each
24 district shall be published semiannually by the
25 department and made available upon request to the
26 owner of any motor vehicle subject to this chapter.

27 44040. The department may require certificates of
28 compliance and certificates of noncompliance to contain
29 a unique number encoded in bar code. These certificates
30 may be sold to licensed smog check stations by the
31 department or be printed by test analyzer systems. The
32 department, with the cooperation of the Department of
33 Motor Vehicles, shall periodically check certificates to
34 determine their validity.

35
36 Article 4. Penalties
37

38 44050. (a) If, upon investigation, the department has
39 probable cause to believe that a licensed smog check
40 station, a licensed inspector, or a fleet owner licensed

1 under Section 44020 has violated this chapter, or any
2 regulation adopted pursuant to this chapter, the
3 department may issue a citation to the licensee or fleet
4 owner. The citation shall specify the nature of the
5 violation and may specify a civil penalty assessed by the
6 department pursuant to Section 44051 or 44051.5.

7 (b) If, upon investigation, the department has
8 probable cause to believe that a qualified smog check
9 mechanic has violated Section 44012, 44015, 44016, or
10 44032, or any regulation adopted pursuant to this chapter,
11 the department may issue a citation to the mechanic. The
12 citation shall specify the nature of the violation and, in
13 addition, whichever of the following applies:

14 (1) For a first citation, the smog check mechanic shall
15 successfully complete one or more retraining courses
16 prescribed by the department pursuant to subdivision
17 (d) of Section 44031.5.

18 (2) For a second citation, the smog check mechanic
19 shall successfully complete one or more retraining
20 courses prescribed by the department pursuant to
21 subdivision (d) of Section 44031.5 and the mechanic shall
22 perform no inspection or repair pursuant to this chapter
23 until that completion.

24 (3) For a third citation, the smog check mechanic shall
25 successfully complete an advanced retraining course
26 prescribed by the department and shall perform no
27 inspection or repair pursuant to this chapter until that
28 completion.

29 (4) For a fourth citation, the smog check mechanic's
30 qualification may be permanently revoked.

31 (c) The citation shall be served pursuant to subdivision
32 (c) of Section 11505 of the Government Code.

33 44050.5. In assessing a civil penalty pursuant to
34 Section 44050 against a person who has not previously
35 been cited for a violation of the same statute or
36 regulation, the department shall fix the penalty at an
37 amount within the minimum and maximum penalties
38 specified in Section 44051 or 44051.5, as the case may be,
39 for each violation.

44051. The civil penalty for a violation of the specified provisions of this chapter is as follows:

Section	Short description of Violation	Civil Penalty Minimum	Civil Penalty Maximum
44002	Smog check estimates and invoices	\$ 50	\$ 500
44012	No emission control system inspection, no emissions test, or inspection test procedures	250	1,500
44014	Unlicensed smog check station	250	1,500
44015	Failure to issue certificate signed by licensed inspector	150	1,000
44016	Failure to follow established repair procedures	150	1,000
44017	Cost limitation requirement	150	1,000
44031.5	Test/repair by unlicensed smog check station or nonqualified smog check mechanic, or licensed inspector required	250	1,500
44032	Qualified smog check mechanic required	250	500
44033	Smog check station requirement, test on condition of mandatory repair waiver, written estimate requirements	250	1,500
44036	Smog check station certified equipment requirement	150	1,500

44060 Sale, transfer, or purchase of 250 1,500
certificate and certificate
charges

44051.5. The civil penalty for a violation of the
specified sections of Title 16 of the California Code of
Regulations is as follows:

Section	Short Description of Violation	Civil Penalty Minimum Maximum	
3340.10	Unlicensed operation of smog check station	\$250	\$1,500
3340.15	Smog check station general requirements	100	500
3340.16	Smog check station equipment and testing procedures	150	1,000
3340.16.5	Smog check station equipment and testing procedures	150	1,000
3340.17	Smog check station equipment maintenance and calibration	150	1,000
3340.22	Smog check station sign requirement	100	500
3340.22.1	Sign restrictions	100	500
3340.23	Smog check cease operations	250	1,500
3340.25	Licensed inspector requirement	150	1,000
3340.30	Qualified mechanic's training and certification requirement	100	500

1	3340.35	Certification of compliance and	250	1,500
2		noncompliance requirement		
3				
4	3340.37	NOx device/sticker	100	500
5		requirement		
6				
7	3340.41	Inspection/test/repair require-	150	1,000
8		ment		
9				
10	3340.41.3	Invoice requirements	100	500
11				
12	3340.42	Inspection standards, test	100	500
13		procedures, and exhaust		
14		emissions requirement		
15				

16 44052. (a) When a citation lists more than one
 17 violation, the amount of the civil penalty assessed shall be
 18 stated separately for each statute and regulation violated.

19 (b) When a citation lists more than one violation
 20 arising from a single motor vehicle inspection or repair,
 21 the total penalties assessed shall not exceed two thousand
 22 five hundred dollars (\$2,500).

23 44053. (a) Any person issued a citation pursuant to
 24 Section 44050 may request a hearing in accordance with
 25 Chapter 5 (commencing with Section 11500) of Part 1 of
 26 Division 3 of Title 2 of the Government Code. A request
 27 for a hearing shall be submitted in writing within 30 days
 28 of service of the citation, and shall be delivered to the
 29 office of the department in Sacramento. Hearings and
 30 related procedures under this section shall be conducted
 31 in the same manner as proceedings for adjudication of an
 32 accusation under that Chapter 5, except as otherwise
 33 specified in this article.

34 (b) If, within 30 days from service of the citation, the
 35 licensee or fleet owner licensed pursuant to Section 44020
 36 or qualified mechanic fails to request a hearing, the
 37 citation shall be deemed the final order of the
 38 department.

39 (c) As it applies to this article, the service required in
 40 Section 11505 of the Government Code includes service

1 personally, by registered mail, or by courier with receipt
2 of delivery.

3 44054. In assessing a civil penalty pursuant to a
4 citation issued pursuant to Section 44050, the director
5 shall give due consideration to the gravity of the violation,
6 including, but not limited to, a consideration of whether
7 any of the following apply to the licensee:

8 (a) A failure to perform work for which money was
9 received.

10 (b) The making of any false or misleading statement
11 in order to induce a person to authorize repair work or
12 pay money.

13 (c) The commission of numerous or repeated
14 violations.

15 (d) A failure to make restitution to customers affected
16 by the licensee's violation.

17 44055. (a) Any failure by an applicant for a license or
18 for the renewal of a license, or by any partner, officer, or
19 director thereof, to comply with the final order of the
20 department for the payment of civil penalties, or to pay
21 the amount specified in a settlement executed by the
22 applicant and the Director of the Department of
23 Consumer Affairs, shall result in denial of a license or of
24 the renewal of the license. The department shall not allow
25 the issuance of any certificate of compliance or
26 noncompliance by a licensee until all civil penalties which
27 have become final, or amounts agreed to in a settlement,
28 have been paid by the licensee.

29 (b) The department may deny an application for the
30 renewal of a test station or repair station license if the
31 applicant, or any partner, officer, or director thereof, has
32 failed to pay any civil penalty in accordance with this
33 article.

34 44056. (a) Except as otherwise provided in Sections
35 44051 and 44051.5, any person who violates any provision
36 of this chapter, or any order, rule, or regulation of the
37 department adopted pursuant to this chapter, is liable for
38 a civil penalty not to exceed five hundred dollars (\$500)
39 for each day in which each violation occurs. Any action to
40 recover civil penalties shall be brought by the Attorney

1 General in the name of the state on behalf of the
2 department, or may be brought by any district attorney,
3 city attorney, or attorney for a district.

4 (b) The penalties specified in subdivision (a) do not
5 apply to an owner or operator of a motor vehicle, except
6 an owner or operator who does any of the following:

7 (1) Obtains, or who attempts to obtain, a certificate of
8 compliance or noncompliance without complying with
9 the requirements of Section 44015.

10 (2) Registers a motor vehicle at an address other than
11 the owner's or operator's residence address for the
12 purpose of avoiding the requirements of this chapter.

13 44057. (a) A continuing violation of any provision of
14 this chapter, or any order, rule, or regulation of the
15 department adopted pursuant to this chapter, may be
16 enjoined by the superior court of the county in which the
17 violation is occurring. The action shall be brought by the
18 attorney general in the name of the state on behalf of the
19 department, or may be brought by any district attorney,
20 city attorney, or attorney for a district. An action brought
21 under this section shall conform to the requirements of
22 Chapter 3 (commencing with Section 525) of Title 7 of
23 Part 2 of the Code of Civil Procedure, except that it shall
24 not be necessary to show lack of an adequate remedy at
25 law or to show irreparable damage or loss.

26 (b) In addition, if it is shown that the respondent
27 continues, or threatens to continue, to violate any
28 provision of this chapter, or any order, rule, or regulation
29 of the department adopted pursuant to this chapter, it
30 shall be sufficient proof to warrant the immediate
31 granting of a temporary restraining order.

32 44058. Any person who violates this chapter, or any
33 order, rule, or regulation of the department adopted
34 pursuant to this chapter, is guilty of a misdemeanor and
35 shall be punished by a fine of not more than one thousand
36 dollars (\$1,000) or by imprisonment for not more than six
37 months, or by both, in lieu of the imposition of the civil
38 penalties.

39 44059. The willful making of any false statement or
40 entry with regard to a material matter in any oath,

1 affidavit, certificate of compliance or noncompliance, or
2 application form which is required by this chapter or
3 Chapter 20.3 (commencing with Section 9880) of
4 Division 3 of the Business and Professions Code,
5 constitutes perjury and is punishable as provided in the
6 Penal Code.

7
8 Article 5. Financial Provisions
9

10 44060. (a) The department shall prescribe the form
11 of the certificate of compliance or noncompliance. The
12 department shall charge a fee to licensed smog check
13 stations for the issuance by the department to the stations
14 of certificate of compliance or noncompliance forms. The
15 fee charged shall be calculated to allow funding of the
16 department and any other state agency directly involved
17 in the implementation of the motor vehicle inspection
18 program, and shall not exceed the amount reasonably
19 necessary to fund the operation of the program, including
20 all responsibilities, requirements, and obligations
21 imposed upon the department or any of those state
22 agencies by this chapter, which are not otherwise
23 recoverable by license fees pursuant to Section 44034.
24 Except for adjustments to reflect changes in the
25 Consumer Price Index, as published by the United States
26 Bureau of Labor Statistics, the fee for each certificate of
27 compliance or noncompliance shall not exceed seven
28 dollars (\$7). It is the intent of the Legislature that a
29 prudent surplus be maintained in the Vehicle Inspection
30 and Repair Fund. If the surplus exceeds reasonable costs
31 of administration of the programs specified in this
32 chapter and in Chapter 20.3 (commencing with Section
33 9880) of Division 3 of the Business and Professions Code,
34 the department shall, by regulation, prescribe a lower fee
35 for the certificate of compliance or noncompliance.

36 (b) The sale or transfer of any certificate of
37 compliance or noncompliance by a licensed smog check
38 station to any other licensed smog check station or any
39 other person, and the purchase or acquisition of any
40 certificate of compliance or noncompliance by any

1 person, other than from the department, the
2 department's designee, or pursuant to a vehicle
3 inspection or repair conducted pursuant to this chapter,
4 is prohibited.

5 (c) The fee charged by licensed stations to consumers
6 for a certificate of compliance or a certificate of
7 noncompliance shall be the same amount charged by the
8 department.

9 44061. The fees and penalties collected by the
10 department pursuant to this chapter and Chapter 20.3
11 (commencing with Section 9880) of Division 3 of the
12 Business and Professions Code shall be deposited in the
13 Vehicle Inspection and Repair Fund in accordance with
14 the procedures established by the department and are
15 available to the department as specified by Section 9886.2
16 of the Business and Professions Code, and, upon
17 appropriation by the Legislature, to any other state
18 agency directly involved in the implementation of the
19 motor vehicle inspection program, to carry out its
20 functions and duties specified in this chapter or in any
21 other law.

22 Article 6. Public Information

23
24
25 44070. (a) The department shall develop within the
26 bureau, with the advice and technical assistance of the
27 state board, a public information program for the purpose
28 of providing information designed to increase public
29 awareness of the smog check program throughout the
30 state and emissions warranty information to motor
31 vehicle owners subject to an inspection and maintenance
32 program required pursuant to this chapter. The
33 department shall provide, upon request, either orally or
34 in writing, information regarding emissions related
35 warranties and available warranty dispute resolution
36 procedures.

37 (b) The telephone number and business hours, and
38 the address if appropriate, of the emissions warranty
39 information program shall be noticed on the vehicle

1 inspection report provided by the test analyzer system for
2 any vehicle which fails the analyzer test.

3 44071. For purposes of implementing the smog check
4 public awareness and emissions warranty information
5 programs, the department shall use funds from the fee
6 charged for each certificate of compliance or
7 noncompliance which are deposited in the Vehicle
8 Inspection and Repair Fund pursuant to Section 44060.

9
10 Article 7. Denial, Suspension, and Revocation
11

12 44072. Any license issued under this chapter and the
13 regulations adopted pursuant to it may be suspended or
14 revoked by the director. The director may refuse to issue
15 a license to any applicant for the reasons set forth in
16 Section 44072.1. The proceedings under this article shall
17 be conducted in accordance with Chapter 5
18 (commencing with Section 11500) of Part 1 of Division 3
19 of Title 2 of the Government Code, and the director shall
20 have all the powers granted therein.

21 44072.1. The director may deny a license if the
22 applicant, or any partner, officer, or director thereof, does
23 any of the following:

24 (a) Fails to meet the qualifications established by the
25 bureau pursuant to Articles 2 (commencing with Section
26 44010) and 3 (commencing with Section 44030) and the
27 regulations adopted for the issuance of the license applied
28 for.

29 (b) Was previously the holder of a license issued under
30 this chapter, which license has been revoked and never
31 reissued or which license was suspended and the terms of
32 the suspension have not been fulfilled.

33 (c) Has committed any act which, if committed by any
34 licensee, would be grounds for the suspension or
35 revocation of a license issued pursuant to this chapter.

36 (d) Has committed any act involving dishonesty,
37 fraud, or deceit whereby another is injured or whereby
38 the applicant has benefited.

39 (e) Has acted in the capacity of a licensed person or
40 firm under this chapter without having a license therefor.

1 (f) Has entered a plea of guilty or nolo contendere to,
2 or been found guilty of, or been convicted of a crime
3 substantially related to the qualifications, functions, and
4 duties of the licenseholder in question, and the time for
5 appeal has elapsed or the judgment of conviction has
6 been affirmed on appeal, irrespective of an order
7 granting probation following the conviction, suspending
8 the imposition of sentence, or of a subsequent order
9 under Section 1203.4 of the Penal Code allowing the
10 person to withdraw a plea of guilty and to enter a plea of
11 not guilty, or setting aside the plea or verdict of guilty, or
12 dismissing the accusation or information.

13 44072.2. The director may suspend, revoke, or take
14 other disciplinary action against a license as provided in
15 this article if the licensee, or any partner, officer, or
16 director thereof, does any of the following:

17 (a) Violates any section of this chapter and the
18 regulations adopted pursuant to it, which related to the
19 licensed activities.

20 (b) Is convicted of any crime substantially related to
21 the qualifications, functions, and duties of the
22 licenseholder in question.

23 (c) Violates any of the regulations adopted by the
24 director pursuant to this chapter.

25 (d) Commits any act involving dishonesty, fraud, or
26 deceit whereby another is injured.

27 (e) Has misrepresented a material fact in obtaining a
28 license.

29 (f) Aids or abets unlicensed persons to evade the
30 provisions of this chapter.

31 (g) Fails to make and keep records showing his or her
32 transactions as a licensee, or fails to have those records
33 available for inspection by the director or his or her duly
34 authorized representative for a period of not less than
35 three years after completion of any transaction to which
36 the records refer, or refuses to comply with a written
37 request of the director to make the records available for
38 inspection.



1 (h) Violates or attempts to violate the provisions of this
2 chapter relating to the particular activity for which he or
3 she is licensed.

4 44072.3. A plea or verdict of guilty or a conviction
5 following a plea of nolo contendere is a conviction within
6 the meaning of this article. The director may order the
7 license suspended or revoked or may decline to issue a
8 license, when the time for appeal has elapsed, or the
9 judgment of conviction has been affirmed on appeal, or
10 when an order granting probation is made suspending
11 the imposition of sentence irrespective of a subsequent
12 order under Section 1203.4 of the Penal Code allowing the
13 person to withdraw a plea of guilty and to enter a plea of
14 not guilty, or setting aside the verdict of guilty, or
15 dismissing the accusation, information, or indictment.

16 44072.4. The director may take disciplinary action
17 against any licensee after a hearing as provided in this
18 article by any of the following:

19 (a) Imposing probation upon terms and conditions to
20 be set forth by the director.

21 (b) Suspending the license.

22 (c) Revoking the license.

23 44072.5. Upon the effective date of any order of
24 suspension or revocation of any license governed by this
25 chapter, the licensee shall surrender the license to the
26 director.

27 44072.6. The expiration or suspension of a license by
28 operation of law or by order or decision of the director or
29 a court of law, or the voluntary surrender of a license by
30 a licensee shall not deprive the director of jurisdiction to
31 proceed with any investigation of, or action or
32 disciplinary proceedings against, the licensee, or to
33 render a decision suspending or revoking the license.

34 44072.7. All accusations against licensees shall be filed
35 within three years after the act or omission alleged as the
36 ground for disciplinary action, except that with respect to
37 an accusation alleging a violation of subdivision (f) of
38 Section 44072.2, the accusation may be filed within two
39 years after the discovery by the bureau of the alleged facts

1 constituting the fraud or misrepresentation prohibited by
2 that section.

3 44072.8. When a license has been revoked or
4 suspended following a hearing under this article, any
5 additional license issued under this chapter in the name
6 of the licensee may be likewise revoked or suspended by
7 the director.

8 44072.9. After suspension of the license upon any of
9 the grounds set forth in this article, the director may
10 reinstate the license upon proof of compliance by the
11 applicant with all provisions of the decision as to
12 reinstatement. After revocation of a license upon any of
13 the grounds set forth in this article, the license shall not
14 be reinstated or reissued within a period of one year after
15 the effective date of revocation.

16
17 Article 8. Gross Polluters
18

19 44080. The Legislature finds and declares as follows:

20 (a) California's air is the most polluted in the nation
21 and the largest source of that pollution is automobiles.

22 (b) California has the most stringent new car emission
23 standards in the nation as well as a vehicle inspection
24 (smog check) program that result in most cars producing
25 very little pollution.

26 (c) A small percentage of automobiles cause a
27 disproportionate and significant amount of the air
28 pollution in California.

29 (d) These gross polluters are primarily vehicles in
30 which the emission control equipment has been
31 disconnected or which are very poorly maintained.

32 (e) New technologies, such as remote sensing, can
33 identify gross polluters on the roads, enabling law
34 enforcement authorities to stop, inspect, and cite vehicles
35 with disconnected emission control equipment, and can
36 promote the development of incentives for the repair of
37 other high-emitting vehicles.

38 (f) Requiring owners to reconnect emission control
39 equipment and developing incentives for needed
40 maintenance on high-emitting vehicles may be

1 cost-effective methods to reduce emissions and help
2 achieve air quality standards in many districts.

3 44081. The state board, in consultation with the
4 department, may issue nonregulatory guidelines
5 specifying the amount and types of pollutants that qualify
6 a vehicle as a gross polluter, and may establish standards
7 and testing procedures for the use of remote sensors or
8 other technologies to identify gross polluters. A vehicle
9 that continues to meet the emissions requirements
10 applicable at the time of manufacture shall not be
11 considered a gross polluter for purposes of this section.
12 Districts shall take these guidelines into consideration
13 when establishing programs pursuant to Section 44084.
14 The state board may also adopt regulations that the state
15 board determines are necessary and proper for the
16 implementation of this article.

17 44082. The department or any other governmental
18 agency shall not conduct programs using remote sensing
19 devices to identify gross polluters until the department
20 has determined that those devices are scientifically
21 accurate and those agencies are authorized by statute to
22 conduct those programs.

23 44084. The department or a district may establish
24 programs to identify gross polluters and other
25 high-emitting vehicles whose emissions could be reduced
26 by repair, using methods other than remote sensors, and
27 to provide financial incentives to encourage the repair or
28 scrapping of these vehicles as a method of reducing
29 mobile source emissions for the purposes of Section 40914.
30 The programs authorized by this section are not intended
31 to impose additional emission reduction requirements,
32 but instead are intended to provide more cost-effective
33 alternative methods to meet existing requirements.

34 44085. Districts may establish procedures to generate
35 marketable emission reduction credits from programs
36 established pursuant to Section 44084. Emission reduction
37 credits generated pursuant to this section may be used to
38 meet or offset transportation control requirements,
39 average vehicle ridership reductions, or other mobile

1 source emission requirements, as determined by the
2 district.

3 44086. Each district shall, in establishing, reviewing,
4 or updating the plan required by Chapter 10
5 (commencing with Section 40910) of Part 3, consider the
6 relative cost-effectiveness of the programs authorized in
7 this article compared to other control measures under
8 consideration.

9 44087. No program established pursuant to this
10 chapter shall provide for mandatory roadside inspections
11 or for the confiscation of any vehicle.

12 SEC. 4. Section 9250.18 of the Vehicle Code is
13 repealed.

14 ~~9250.18. (a) The department shall collect the~~
15 ~~administrative fee established pursuant to Sections 44081~~
16 ~~and 44081.6 of the Health and Safety Code upon the~~
17 ~~renewal of registration or transfer of ownership of any~~
18 ~~motor vehicle registered in the state.~~

19 ~~(b) On a monthly basis, after deducting its reasonable~~
20 ~~costs, the department shall transmit all revenues,~~
21 ~~including accrued interest, received pursuant to this~~
22 ~~section, for deposit in the Vehicle Inspection and Repair~~
23 ~~Fund, for use by the Department of Consumer Affairs~~
24 ~~pursuant to Chapter 5 (commencing with Section 44000)~~
25 ~~of Part 5 of Division 26 of the Health and Safety Code.~~
26 ~~Alternatively, the department and the Department of~~
27 ~~Consumer Affairs may, by interagency agreement,~~
28 ~~establish a procedure for the Department of Consumer~~
29 ~~Affairs to reimburse the department for its reasonable~~
30 ~~costs incurred in collecting the administrative fees.~~

31 SEC. 5. No reimbursement is required by this act
32 pursuant to Section 6 of Article XIII B of the California
33 Constitution because the only costs that may be incurred
34 by a local agency or school district will be incurred
35 because this act creates a new crime or infraction,
36 eliminates a crime or infraction, or changes the penalty
37 for a crime or infraction, within the meaning of Section
38 17556 of the Government Code, or changes the definition
39 of a crime within the meaning of Section 6 of Article
40 XIII B of the California Constitution.



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7 Text — Pages 3, 8, 34, 36, 41 and 43.

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